

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DARYL DEWAYNE CARTER,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-06-1220-M
)	
JOSEPH SCIBANA, Warden,)	
)	
Respondent.)	


ORDER

On January 30, 2007, United States Magistrate Judge Gary M. Purcell issued a Supplemental Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2241, seeking a writ of habeas corpus. The Magistrate Judge recommended that the Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 be dismissed for lack of jurisdiction without prejudice to a request for permission to file a successive 28 U.S.C. § 2255 motion in the proper court. Petitioner was advised of his right to object to the Supplemental Report and Recommendation by February 19, 2007. On February 21, 2007, petitioner filed his objection.

Upon de novo review, the Court:

- (1) ADOPTS the Supplemental Report and Recommendation issued by the Magistrate Judge on January 30, 2007, and
- (2) DISMISSES the Petition for a Writ of Habeas Corpus for lack of jurisdiction without prejudice to a request for permission to file a successive 28 U.S.C. § 2255 motion in the proper court.

IT IS SO ORDERED this 1st day of March, 2007.


VICKI MILES-LAGRANGE
UNITED STATES DISTRICT JUDGE